

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SEA STAR LINE, LLC, a limited :
liability company, :
 :
Plaintiff, :
 :
v. : Civ. Act. No. 05-245-JJF
 :
EMERALD EQUIPMENT LEASING, INC., :
a corporation, :
 :
Defendant. :

MEMORANDUM ORDER

Pursuant to the Court's May 8, 2006 Order, Sea Star Line, LLC ("Sea Star") has identified eleven additional people it wishes to depose concerning 36 issues. Emerald Equipment Leasing, Inc. ("Emerald") has filed an Objection contending that the parties have already exchanged discovery and conducted depositions concerning the same issues when this action was before the United States District Court for the Middle District of Florida. In reply, Sea Star contends that the same subject matter was not at issue in the Florida litigation, because Emerald's Counterclaim and Amended Counterclaim were filed after discovery in Florida closed and this case was transferred from Florida to Delaware.

The Court has reviewed the parties' respective arguments, as well as the letter correspondence between the parties and the discovery requests propounded by Sea Star upon Emerald, and concludes that, although Emerald's Amended Counterclaim post-dates the close of the discovery period in Florida, there is some

overlap between the discovery that was conducted by Sea Star in Florida and the discovery sought by Sea Star here. To account for the issues which may have arisen since the Florida discovery was completed and to ensure that Sea Star has the opportunity to fully explore the allegations of Emerald's Amended Counterclaims in context, while simultaneously avoiding any prejudice to Emerald that might flow from retaking discovery which may have already been completed, the Court will permit the parties to engage in a period of limited discovery consistent with the parameters set forth by the Court in a Scheduling Order to be entered by the Court contemporaneously with this Memorandum Order.

NOW THEREFORE, IT IS HEREBY ORDERED that Emerald's Objection (D.I. 96) is OVERRULED. Discovery will be taken in this action consistent with the Scheduling Order to be entered by the Court.

October 26, 2006
DATE

Joseph J. Fama
UNITED STATES DISTRICT JUDGE